

PATENT

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Tatiana E. Palacios

Applicant : Masaaki Ino Confirmation No. 4946
Application No. : 10/573,230
Filed : March 24, 2006
Title : SUSTAINED RELEASE PHEROMONE FORMULATION

Grp./Div. : 1616
Examiner : Masaaki Ino

Docket No. : 57419/F349

**SUMMARY OF AUGUST 16, 2011
TELEPHONE INTERVIEW**

Commissioner for Patents
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September 8, 2011

Commissioner:

Applicants wish to thank the Examiners for their courtesy during the telephone interview held on August 16, 2011. During the interview, Applicants' representative discussed the limitations of Claim 5, including the limitations introduced in the amendment filed on July 21, 2011, such as the particle size limitation, which distinguishes the claimed composition from the animal litter described in the primary reference (Dodman).

The Dodman, Dal Moro, and Rong et al references were discussed in detail. In particular, it was noted that the composition described in the Dodman reference is adapted to attract a dog or a cat (e.g.) to a litter box, and to absorb liquid waste. Insects are mentioned in the reference only as an example of a type of an animal known to exhibit pheromone-based

Application No. 10/573,230

communication. It was noted by Applicants that Dodman does *not* suggest a formulation of any type in combination with an insect pheromone, and does not teach a small particle size limitation. Example 3 contains at best an ambiguous mention of the possibility of using calcined clay.

The Dal Moro et al reference was also discussed, and describes an insect pheromone in combination with an inert carrier coated with a film-generating resin. Examples of such a carrier include "calcined fossil meal, kaolin, micronized attapulgite, [and] talc." It was noted that calcined fossil meal is a diatomaceous earth, not a clay. It was also noted by Applicants that the reference does not teach a calcined clay; rather it is only the fossil meal that is said to be calcined. The adjective "calcined" modifies the term "fossil meal" but not kaolin, micronized attapulgite, or talc.

Applicants discussed the Rong et al reference, which describes a polyolefin/clay nanocomposite, the majority of which is polyolefin (i.e., 40-99.9% by weight). The material is said to exhibit excellent mechanical properties and thermal resistance, but it was noted that the reference provides no basis for using the calcining parameters in another context.

It was also noted by Applicants that there is no basis for modifying the primary reference (Dodman) in view of the two secondary references. Nothing in Dodman suggest using a pheromone in combination with a clay substrate, for insect communication disruption, and using a powder having a small particle size as recited in Applicants' claim 5. The Dal Moro reference does not teach the use of calcined clays, just Celite -- calcined fossil meal, diatomaceous earth which is not clay. In addition, it was noted that the application as filed, at pages 21 and 22,

Application No. 10/573,230

tables 2 and 4, presents evidence of unexpected results obtained by using a calcined clay material, as compared to an un-calcined material. On that basis, Applicants submitted that the claimed invention is not obvious.

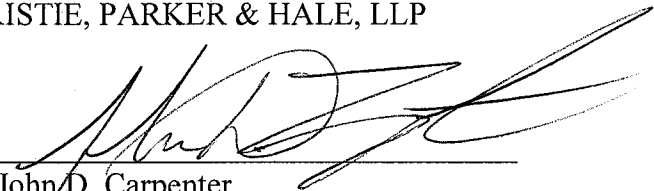
In the interview summary prepared by the Examiner and mailed on August 19, 2011 the Examiner states that he "believes that Dal Moro does teach calcined claims, [but he will] look for a less ambiguous reference," and that "based on Dal Moro's [sic, Dal Moro] teaching of calcined clay the combination with Rong is proper." As noted above, however, Applicant submitted that there is no ambiguity in the reference, as the term "calcined" is used only in reference to the diatomaceous earth (celite), not kaolin. Therefore, Applicants stated that the combination with Rong is not proper.

Applicants renew their request for a notice of allowance.

Respectfully submitted,

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